

### REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1-24, 26-33, and 35-38 remain pending in the present application, including independent claims 1, 24 and 33. All of the claims are directed to a device for treating appendage ailments. For example, the device of the present invention is particularly well suited for treating wounds, cuts or blisters appearing on one's fingers or toes. The device is also well suited for receiving a medicament for application to an appendage.

In claims 1 and 24 as now amended, the device for treating appendage ailments includes a nonelastic nonwoven web laminated with an elastic layer as stated in claim 1 or an elastic nonwoven material as stated in claim 24. The different layers form a sleeve that is configured to be placed over an appendage. Both claims require the nonelastic nonwoven web to form the interior surface of the sleeve. In this manner, the nonelastic nonwoven web provides a surface for treating an appendage, while the elastic layer provides form-fitting properties to the sleeve.

In the latest Office Action, claims 1 and 24 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,474,525 to Blott. Blott is directed to a tubular undercast padding for a body-immobilizing cast. The tubular underpadding includes a lofted nonwoven fabric attached, in one embodiment, to an inner support layer of extensible material.

In comparison to independent claims 1 and 24, however, Blott fails to disclose or suggest a device for treating appendage ailments in which a nonelastic nonwoven web is laminated with an elastic layer and wherein the nonelastic web forms the interior surface of a sleeve. To the contrary, Blott teaches placing a lofted non-woven fabric as the outer layer of a tube which is attached to an inner support layer of extensible material. In Blott, the non-woven lofted fabric forms the outer surface of the tube so as to provide a cushion for an immobilizing rigid cast that is later applied to the tubular underpadding. Thus, not only does Blott fail to disclose an elastic sleeve as defined in claims 1 and 24 in which a nonelastic nonwoven web forms the interior surface of the

sleeve, Blott, in fact, teaches away from the arrangement of layers as required in claims 1 and 24. As such, it is believed that claims 1 and 24 patentably define over Blott.

In the Office Action, independent claim 33 was rejected under 35 U.S.C. § 103 over Blott in view of U.S. Patent No. 2,925,605 to Wheeler. Claim 33 is directed to a device for treating appendage ailments that includes a hollow sleeve member having an open distal end and an open proximal end. The sleeve member comprises a first panel attached to a second panel. The panels form a seam that extend along the length of the sleeve. The first panel comprises an elastic nonwoven material capable of being stretched and contracted for providing the sleeve member with form-fitting properties. The second panel, on the other hand, comprises a nonwoven web that defines at least a portion of an interior surface of the hollow sleeve.

Blott, on the other hand, discloses the use of tubular fabrics and does not disclose or suggest a hollow sleeve formed from a first panel and a second panel as required in claim 33. Further, it would not have been obvious to modify Blott into a two-panel construction as required in claim 33. For instance, Blott makes clear in column 1 that the tubular underpadding disclosed therein is of unitary construction and can be employed in one piece as an undercast padding (see column 1, lines 62-67). Thus, Blott teaches away from the two-panel construction defined in claim 33.

Wheeler does disclose a finger protecting device or cot which is formed from upper and lower members that may be made from flexible leather or plastic. Neither Wheeler nor Blott, however, provide any motivation suggestion or incentive to modify the unitary, one-piece tubular undercast padding disclosed in Blott into a multimember sleeve as required in claim 33.

Further, the finger-protecting device in Wheeler is designed to have a closed end for protecting a finger and thus also teaches away from a hollow sleeve member that has an open distal end and an open proximal end. Thus, in view of Wheeler and Blott in their entireties, Applicants submit that neither reference alone nor in combination renders obvious the device for treating appendage ailments as defined in claim 33.

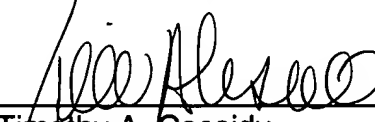
In summary, it is believed that the claims as currently amended are patentably distinct over the prior art of record and are in complete condition for allowance. Favorable action, therefore, is respectfully requested. Should any issues remain after

consideration of this Amendment, however, then Examiner Hamilton is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

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Date

Respectfully submitted,

  
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